

REMARKS

Claims 1-15 remain pending in the application. Claim 8 has been amended, and claims 10-15 have been newly added. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicant would like to thank the Examiner for indicating that claims 2 and 4-7 would be allowable if rewritten into independent form. In view of the current Response, Applicant maintains claims 2 and 4-7 in dependent form. However, Applicant reserves the right to place the claims into independent form at a later time.

Applicant also thanks the Examiner for accepting the drawings filed on October 10, 2003, for acknowledging Applicant's claim for foreign priority and receipt of the certified copy of the priority document, and for considering all of the documents cited in the Information Disclosure Statement filed on January 12, 2004.

In the Office Action, the Examiner rejected claims 1, 3, 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Kasuga et al. (U.S. Patent No. 5,794,979) in view of Takahashi (Japanese Patent Publication No. 2002-205556). Applicant respectfully traverses the rejection for at least the following reasons.

The present invention is directed towards an apparatus for attaching electrical components to a vehicle. The apparatus includes, inter alia, an electrical component mounting rack, which includes first and second frames, and an electrical inverter device mounted to the first frame. The second frame is configured to support at least one battery.

Kasuga is directed to a structure for mounting a fuel tank. The structure

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comprises a supporting frame 5 which supports large and small fuel cylinders 3 and 4. See Figure 1 and col. 2, lines 30-58. Applicant respectfully submits that Kasuga is devoid of any language which suggests that the structure is suitable for mounting electrical components, and certainly does not suggest mounting an electrical inverter device to a first frame of the structure, and mounting electrical batteries to a second frame of the structure, as is taught by Applicant's invention. Rather, Applicant submits that the structure is specifically designed only for mounting fuel cylinders, as evidenced by the shape of the structure (see Figures 1-3, for example), and the use of rubber belts 15 and bracketed bands 16 for fixing the fuel cylinders to the frame (see Figures 2 and 3 and col. 3, lines 10-32).

In regards to Takahashi, Applicant notes that Takahashi is written in the Japanese language. As the Examiner has not provided Applicant with an English language translation of Takahashi, Applicant assumes that the Examiner relies only on the figures and the English language Abstract of Takahashi to support the rejection. Applicant respectfully submits that the Examiner's reliance on only the figures and English language Abstract to support the rejection is improper.

Section 706.02 of the M.P.E.P. provides:

Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art...If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection. The rationale for this is several-fold. It is not uncommon for a full text document to reveal that the document fully anticipates

an invention that the abstract renders obvious at best. The converse may also be true, that the full text document will include teachings away from the invention that will preclude an obviousness rejection under 35 U.S.C. 103, when the abstract alone appears to support the rejection... When both the abstract and the underlying document qualify as prior art, the underlying document should normally be used to support a rejection. In limited circumstances, it may be appropriate for the examiner to make a rejection in a non-final Office action based in whole or in part on the abstract only without relying on the full text document. In such circumstances, the full text document and a translation (if not in English) may be supplied in the next Office action.

Further, Applicant respectfully submits that the English language abstract of Takahashi fails to overcome the deficiencies of Kasuga. The abstract of Takahashi discloses a battery 6 which is fixed to a battery tray 4 with a fixing member 30. Applicant respectfully submits that the figures and English language abstract of Takahashi fail to disclose or suggest an electrical component mounting rack which includes first and second frames, where an electrical inverter device is mounted to the first frame, and electrical batteries are mounted to the second frame. Applicant submits that Takahashi also fails to suggest any motivation for modifying a structure for mounting a fuel tank, such as Kasuga's structure, such that it functions as an electrical component mounting rack.

In the Office Action, the Examiner asserted that the use of batteries with inverters in electric and/or hybrid vehicles is well-known in the art, and it would have been obvious to one having ordinary skill in the art at the time of the invention to have used the mounting rack of Kasuga to support batteries and an inverter in the rear part of an electric or hybrid vehicle. However, Applicant respectfully submits that the structure and arrangement recited in independent claims 1 and 3 for mounting an

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electrical inverter device and electrical batteries to a vehicle is not well-known in the art, and respectfully request the Examiner to either provide references disclosing these features, or withdraw the 35 U.S.C. § 103(a) rejection of independent claims 1 and 3.

For at least these reasons, Applicant respectfully submits that the rejection of independent claims 1 and 3 is improper, and respectfully request withdrawal thereof.

Dependent claims 8-15 (which include newly submitted dependent claims 10-15) are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claims 1 and 3. Specifically, the applied prior art fails to disclose or suggest an electrical component mounting rack, which includes first and second frames, and an electrical inverter device mounted to the first frame, where the second frame is configured to support at least one battery.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

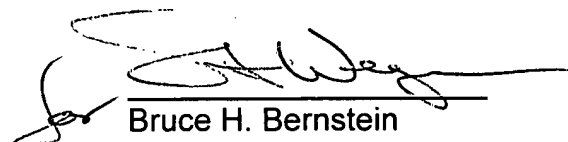
SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Hirobumi AWAKAWA



Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
(703) 716-1191

Steven Wegman
Reg. No. 31,438